

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Johnnie Mickell

(Enter above the full name of  
plaintiff in this action)

v.

Judge Vito P. Geroula,

Shane Scanlon, Jr.,

Daniel B. Lipson, et al.

See Attachments.

(Enter above the full name of  
the defendant(s) in this action)

(Exhibit) For Defendants:  
addresses attached, AND  
other defendants COMPLAINT

CIVIL CASE NO: 3:18-CV-1540  
(to be supplied by Clerk  
of the District Court)

FILED  
SCRANTON

AUG - 3 2018

PER [Signature]  
DEPUTY CLERK

1. The plaintiff Johnnie Mickell is a citizen of  
the County of Lackawanna State of

Pennsylvania, residing at 407 Lackawanna Ave.

wishes to file a complaint under 42 USC 1983  
(give Title No. etc.)

2. The defendant is ~~John~~ Citizens of Lackawanna  
County, State of Pennsylvania.

3. STATEMENT OF CLAIM: (State below the facts of your case. If you have paper exhibits that give further information of your case, attach them to this completed form. Use as much space as you need. Attach extra sheet(s) if necessary) Defendants committed,

8/3/18

3. (CONTINUED) Civil Conspiracy, and claims  
stated in Plaintiff's Civil Complaint, to sentenced  
Plaintiff a second time for DUT, that occurred  
on 6/4/15, after Magistrate Sean P. McGraw  
sentenced Plaintiff for the stated DUT on  
11/19/15, and after Plaintiff completed his six  
months sentenced. Also, Defendants committed  
the stated claims to sentenced Plaintiff for Reckly  
endanger another person (REAP), a crime he was  
not charge with, on 6/4/15, with his DUT, or thereafter.  
See exhibits attached to this Civil Action.

4. WHEREFORE, plaintiff prays that This Court grant his relief  
for damages, along with what this Court feels  
is just and fair for punitive damages. All of  
which, is prohibited by the United State  
Constitutions, under the United State Supreme  
Court. See Exhibits attached, to corroborate  
Plaintiff's claims, on defendants, and Plaintiff's  
Cause of action of False imprisonment.

Mr. Johnnie Mickell  
 (Signature of Plaintiff)

8/3/18

## Exhibit T

In The Middle District Court, In  
Lackawanna County Pennsylvania

Mr. Johnnie Mickell

Plaintiff,

v.

Judge Vito P. Geroulo

Warden, Timmothy Betti

Asst. Warden, David Langan

Counselor: Lori Davis

Public Defender:

Daniel B. Lipson

District Attorney

Shane P. Scanlon Jr.

Judge Margaret B. Moyle

Probation Officer,

Brian Williams, And

Clerk of Court Kathy Kacier Dated 8/3/18.

Defendants

Civil No. 3:18-CV-1540

Judge Caputo

Magistrate Judge

Saporio

Jury Trial

Demanded

FILED  
SCRANTON

AUG - 3 2018

PER gk  
DEPUTY CLERK

Complaint: Defendants Addresses

(1) Judge Vito P. Geroulo. (2) Shane Scanlon.

(3), Daniel B. Lipson. (4). Kathy Kacier.

Lackawanna County Courthouse, 200 North  
Washington Ave. Scranton, PA 18503.

(5) Warden, Timothy Betti. (6) Asst. Warden,  
David Langan. (7) Lori Davis. Lackawanna  
County Prison 1371 North Washington Ave.  
Scranton, Pa 18509.

(8). Judge Margaret B. Moyle. ~~PA~~  
Lackawanna County Courthouse  
200 North Washington Ave  
Scranton, PA 18503

(9). Brian Williams.  
Adult Parole/Probation Dept  
130 North Washington Ave.  
Scranton, Pa. 18503

In The Middle District Court of  
Lackawanna County, Pennsylvania

Johnnie Mickell  
Plaintiff

Civil No.

v.

Judge Caputo

Judge Vito Gerardo, et al,  
Defendants

(MJ) Saporio

Jury Trial Demanded

Cause of Action: False Imprisonment on  
the following dates, under Docket Number  
15 CR-2414. 3/8/16 To 3/11/16. 7/18/16. To  
8/30/16. And 9/19/16 To 6/8/17. Exhibit 12.

Statement of Claims:

Civil Conspiracy, Slander, Negligence, Gross  
Negligence. And 4th, 5th, 8th, and 14th Amendment  
rights violation, by Defendants. And Mental Anguish.

Injury:

Named Constitutional Rights Violations, in  
Statements of Claims, by Defendants.

Damages: Loss of monthly disability checks,  
loss of car, Apartment, and other properties, loss

III

of Supplement Employment, Child Support  
payment, Monthly, Fines/Costs payments, and  
Spouse Support.

Punitive Damages Funds:

Whatever, this Court deem Just and Fair, in  
millions, for the Nine (9) Defendants Sanction,  
for Plaintiff's Constitutional rights violations.

Claims Funds From Each Defendant:

\$ 73,000, from Each defendants, and whatever  
this Court deem Just and Fair, for the Nine  
defendants violating Plaintiff's 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup>, and  
14<sup>th</sup> Amendment rights, intentionally.

Respectfully, Submitted  
Mr. Johnnie Mickell  
Johnnie Mickell

Dated: 8/3/18

Cont:

In The Middle District Court In  
Lackawanna County, Pennsylvania

Mr. Johnnie Mickell,  
Plaintiff

Civil No.

V

(Judge) Caputo

Judge Vito P. Geroulo,

Warden Timothy Betti,

(M.J.) Saporio

Asst. Warden David Langan

Counselor Lori Davis,

Dist. Atty. Shane Scanlon

Public Defender

Jury Trial Demanded

Daniel B. Lipson

Brian Williams

Judge Margaret B. Moyle

Kathy Kacier Clerk of Court

Dated: 8/3/18

Statements of Civil Complaint on Defendants,

AS FOLLOWS:

1. ON JUNE 4, OF 2015. A SCRANTON POLICE  
OFFICER, ISSUED MR. MICKELL, A DUZ CITATION.

Exhibit

2. ON SEPT. 14, OF 2015. A SCRANTON POLICE  
OFFICER, INCARCERATED MR. MICKELL, FOR TWO (2)  
COUNTS OF PUBLIC DRUNKNESS, IN LACKAWANNA  
COUNTY PRISON, WHILE HE WAS WAITING FOR A

Summon, to appear in court for his one count of DUI, that occurred on June 4, of 2015.

Exhibit 12. See attachment.

3. On Nov. 19, of 2015. Magistrate Judge, Sean P. McGraw, sentenced Mr. Mickell, for the DUI, that occurred on June 4, of 2015, to time served, to six months, to participate in a 90/90 program, a out patient, drug and alcohol program (DAT), to wear a scram bracelet, for 90 days, suspended Mr. Mickell driver's license, for 18 months, and gave him a \$375 fine. Exhibit 13, and sentencing order - Commonwealth records.

4. On or about Feb. 18, of 2016. Mr. Mickell's six months sentenced expired, for his DUI, that occurred on June 4, of 2015, related to Magistrate McGraw plea agreement sentenced, on Nov. 19, of 2015.

5. On Feb. 18, of 2016. Mr. Mickell filed a civil action complaint, on Lackawanna County Superior, for false imprisonment, in Lackawanna County prison, on Sept. 14, of 2015, for two counts of public drunkenness. Exhibit 12/3:16-cv-00291

6. On or about, March 9, of 2016. Defendants conspired with defendant, Judge Geroulo, to issue a bench warrant for Mr. Mickell, for failing to appear in court, to be sentenced a second time, for



his DUI, that occurred on June 4, of 2015, Exhibit 12. Defendants Motive, was to retaliate on Mr. Mickell, for Filing a Civil action, on Lackawanna County Superior, on Feb. 18, ~~2015~~ of 2016, For Violating his 4th, 5th, 8th, and 14th amendment rights, by incarcerating him in Lackawanna County prison, For months, For two counts of public drunkenness, on 9/14/15, Exhibit 12.

7. On March 11, of 2016, The Defendants, Daniel B. Lipson, and Shane Scanton, conspired with defendant Judge Geroulo, to compel Mr. Mickell, in a plea agreement, to plea guilty to his DUI that occurred on 6/4/15, along with a recklessly, endangering another person offense, that Mr. Mickell was not charged with on 6/4/15, or thereafter. See Exhibit 11/12 For None incarceration on 6/4/15.

8. The defendants Motive was to give Judge Geroulo, Jurisdiction, to later sentenced Mr. Mickell, for a second time for his DUI, that occurred once on 6/4/15, along with a Recklessly, endangerment offense, that carried the max sentenced of two years. In which, Mr. Mickell was not charged with, on 6/4/15, or thereafter. Exhibit 11/12.

9. On July 18, of 2016, Judge Geroulo, issued a bench warrant, for Mr. Mickell, failure to appear in

Court on June 8, of 2016, to be sentenced for his DUI that occurred on 6/4/15, along with the Recklessly Endangering another person, offense, that Mr. Mickell was not charged with on 6/4/15, or thereafter. Exhibit 12/ Commonwealth<sup>11</sup> records, For Police Crim. Report, 9/26/15.

10. On August ~~24~~<sup>11</sup> of 2016, The defendants Daniel B. Lipson, Shane Scanlon, and Judge Gerardo, conspired a plea agreement sentenced, to sentenced Mr. Mickell, to time served, to six (6) months probation, for DUI, that occurred once, on 6/4/15. And a consecutive three months probation for Recklessly Endangering another person (REAP), on 6/4/15. (see Transcript sentencing date 8/24/16.

11. Judge Gerardo, further sentenced Mr. Mickell to pay a \$750 fine for his DUI that occurred on 6/4/15. And suspended Mr. Mickell's driver license for 12 months. Exhibit 1. Commonwealth<sup>11</sup> records, and sentencing ~~order~~ date 8/24/16.

12. All defendants knew from the Commonwealth<sup>11</sup> records, that on Nov. 19, of 2015, that Magistrate Sean P. McGraw, sentenced Mr. Mickell, for his DUI, only, with no Recklessly Endangering another person (REAP), offense charge, that occurred once, on 6/4/15, to the following disposition. Time served to six (6) months, suspended Driver License, for 18 months.

A 90/90 program, a out patient program, (OAT) Drug/Alcohol Treatment program, a Fine For the DUI, For \$375, and to wear a Scram Bracelet, for Mr. Mickell's remaining 90 days with No probation, to the named 6 months disposition, on 11/19/15. Review Exhibits 12 And Commonwealth's records, for sentencing order on 11/19/15.

13. The evidence of the Commonwealth's and Lackawanna County prison's records, reveals that all defendants knew, that on 11/19/15, that Magistrate Sean P. McGraw, sentenced Mr. Mickell, for his DUI only, that occurred on 6/4/15, prior to Judge Geroule, sentenced Mr. Mickell for it, on 8/11/16; along with (REAP) offense, that Mr. Mickell, was not charge with, on 6/4/15, or thereafter, Review Exhibit 12. Scranton Police Criminal Complaint. Related to Exhibit 12. 11/19/15, and for sentenced and released date, for DUI only.

14. All defendants knew, from all the evidence, stated above, that Magistrate McGraw, six months sentenced, on 11/19/15, for Mr. Mickell's DUI, on 6/4/15, expired on or about 2/18/16, prior to Judge Geroule's illegal sentenced, ~~for~~ on 8/11/16, for the above two offenses.

15. The evidence of the Commonwealth's and the Lackawanna County prison records, reveals that,

defendant, Lori Davis, and probation officer, Brian Williams, knew that Mr. Mickell, was falsely, detained in Lackawanna County prison, from Judge Geroulo's illegal sentenced on 8/11/16. For DUI/REAP. Exhibits. Commonwealth's records.

16. On or about Feb. 2, of 2017. Mr. Max out Judge Geroulo's illegal sentenced, For DUI, and Recklessly, Endangering another person (REAP). Exhibit: Commonwealth's Records.

17. On or about March 7, of 2017. Defendant, Judge Moyle, conspired with defendants, to revoke Mr. Mickell's 9 months probation, related to Judge Geroulo's illegal sentenced, For DUI/REAP. Exhibit. Commonwealth's records.

Which was 4 months and 5 days passed Judge Geroulo's illegal sentenced, For the above offenses, that Mr. Mickell Max out in Lackawanna County prison, on or about 2/2/16.

18. On March 7, of 2017. Judge Moyle, further violated Mr. Mickell's 4th, 5th, 8th, and 14th amendment rights, by revoking Mr. Mickell's illegal sentenced, of 9 months probation, by Judge Geroulo, and sentenced Mr. Mickell, 4 months and 5 days pass Judge Geroulo's illegal 9 months sentenced, that Mr. Mickell Max out on 2/2/16. Exhibits. Commonwealth Records. - 6 -

19. On March 7, of 2017, Judge Moyle revoked Mr. Mickell's remaining 3 months probation, related to Judge Gerould's illegal 9 months sentenced, For DUI/REAP, and commenced the 3 months probation sentenced, to 3/7/17 to 6/7/17. Exhibit. Commonwealth Records.

Which total, 13 months in Lackawanna County prison, illegally, because of the defendants Civil Conspiracy, and other claims in this Civil action by the defendants, that violated Mr. Mickell's 4th, 5th, 8th, and 14th Amendment Rights. ~~and~~

20. On June 8, of 2017. Defendant, Kathy Kacier, and defendants committed Civil Conspiracy, and other claims, in this Civil action, by detaining Mr. Mickell, in Lackawanna County Prison (LCP), For Fines/costs, totaling \$8,000, based on a falsified document, not related to Judge Gerould's bench warrant detainer, on Sept. 29, of 2016, that was executed on the above date, to (LCP).

21. On June 8, of 2017. Mr. Mickell was released from (LCP), based on a payment plan on the \$8,000, monthly, related to the falsified document corroborating it.

Which was approximately, 10 months passed Judge Geroulo's illegal sentenced, on 8/30/16, for Mr. Mickell's time served, to 9 months probation for DUI And Recklessly endangering another person. And about 9 months passed Judge Geroulo's executed bench warrant detainer on Sept. 29, of 2016.

### Memorandum OF Law

22. Judge Geroulo, and defendants, intentionally, committed civil conspiracy, and other claims, in this civil action, to violate Mr. Mickell's 4th, 5th, 8th, and 14th Amendment rights. Because, pursuant to Pa. R. Crim. P. 150 (A)(5)(CB), Judge Geroulo, has 72 hours, to give Mr. Mickell, a Bench Warrant detainer hearing for fines/costs.

23. IF Not, by operation of Law. Mr. Mickell's bench warrant detainer, was mandatory, to be vacated, pursuant to Pa. R. Crim. P. 150 (CB). Instead, defendant Kathy Kacier, held the bench warrant detainer hearing, on or about June 8, of 2017.

Which was/is about 9 months, From Judge Geroulo's bench warrant detainer date, executed on 9/29/16. And about 10 months, From Judge

Gerould's, illegal sentenced, on 8/3<sup>11</sup>/~~2~~16,  
 For Mr. Mickell's DUI, that occurred, once  
 on 6/4/15, and recklessly, endangering  
 another person (REAP). Which was/is an offense  
 Mr. Mickell was not charged with on 6/4/15. Or  
 thereafter. And

24. This evidence of records, reveals that all  
 defendants committed civil conspiracy, and  
 other claims, in this civil action, to detain  
 Mr. Mickell, in Lackawanna County, Prison, for  
 14 months and days, to violate Mr. Mickell's  
 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendment rights. All of which,  
 is prohibit under the United States Constitutions.

Respectfully, Submitted,  
Mr. Johnnie Mickell  
 Johnnie Mickell

Dated: 8/3/18



Exhibit 11

# Lackawanna County Prison



This report was compiled  
on: 8/14/2017 @ 1519 hrs.

## INCARCERATION HISTORY FOR :

## MICKELL, JOHNNIE

COMMIT	RELEASE	CASE # & OTN	CHARGES	DISPOSITION
11-28-04	12-06-04		18 5503 A	
01-06-07	01-10-07	0001928-04	BENCH WARRANT - DISTRICT JUSTICE	NOTES
01-06-07	01-10-07	000176-1984	BENCH WARRANT	
01-06-07	01-10-07	0000150-1983	BENCH WARRANT	
01-06-07	01-10-07	0000219-1982	BENCH WARRANT	
01-06-07	01-10-07	0000002-1983	BENCH WARRANT	
11-15-07	11-19-07	07 CR 2772	BENCH WARRANT	NOTES
12-03-07	03-31-08	07 CR 2772	PROBATION VIOLATION - ADULT	COUNTY SENTENCE
12-03-07	03-31-08	08 CR 14	BENCH WARRANT - OTHER COUNTY X	AWAITING TRANSFER
		R5765-4		
10-06-08	04-08-09	07 CR 2772	PROBATION VIOLATION - ADULT X	STATE SENTENCE
10-06-08	04-08-09	89 CR 1315	BENCH WARRANT - OTHER COUNTY X	AWAITING TRANSFER
		C 353034-3		
05-02-11	11-16-11	11cr1164	RECEIVING STOLEN PROPERTY	BAIL(SEE BOND SCR.N.)
		I6293335		
02-01-12	09-24-12	08md568	BENCH WARRANT	NOTES
		fail to pay fines		
02-01-12	09-24-12	12CR353	TERRORISTIC THREATS	COUNTY SENTENCE
		T1414346		
11-15-12	09-20-13		CONTEMPT FOR VIOLATION OF ORDER OR AGREEMENT SENTENCED PFA	
		L 745816-1		
11-15-12	09-20-13	07CR1268	BENCH WARRANT-FINES & COSTS	NOTES
11-15-12	09-20-13	12cr353	PAROLE VIOLATION - COUNTY	NOTES
06-13-15	06-13-15		OBSTRUCT ADMIN LAW/OTHER GOVT FUNC	
		L948222-2		
06-26-15	07-02-15	07cr1268	BENCH WARRANT-FINES & COSTS	NOTES
08-14-15	08-17-15	15CR1250	BENCH WARRANT	NOTES



Exhibit 12

**Lackawanna County Prison**

This report was compiled  
on: 8/14/2017 @ 1519 hrs.

**INCARCERATION HISTORY FOR :****MICKELL, JOHNNIE**

<u>COMMIT</u>	<u>RELEASE</u>	<u>CASE # &amp; OTN</u>	<u>CHARGES</u>	<u>DISPOSITION</u>
09-14-15	11-19-15	15 NT 0527	PUBLIC DRUNKENNESS	BAIL(SEE BOND SCRN.)
09-14-15	11-19-15	15 NT 0528	PUBLIC DRUNKENNESS	BAIL(SEE BOND SCRN.)
03-09-16	03-11-16	15 CR 2414 L 946313-4	BENCH WARRANT	AWAITING B/W HEARING
07-18-16	08-30-16	15CR2414	BENCH WARRANT	COUNTY SENTENCE
09-19-16	06-08-17	15CR2414	PAROLE VIOLATION - COUNTY	NOTES
09-19-16	06-08-17	7CR1268/2772 ET	BENCH WARRANT-FINES & COSTS	NOTES

Report formulated, compiled and prepared by :  
Lackawanna County Prison Records Department

*This document is for  
disadvantage Minority Benefits*

(Corroborating Evidence for defendants  
Constitutional Rights Violations of

Exhibit D

Mr. Mickell's 4th, 5th, 8th, and 14th Amendment Rights)

1. Exhibit Record 15 Scranton Police Criminal Complaint / Affidavit of Probable Cause, revealing that Mr. Mickell was issued a DUI Citation on 6/4/15. And that he was not charged with (REAP), on 6/4/15. Or thereafter.

Exhibit 11, Is Lackawanna County Prison record, revealing, that on 6/4/15. That Mr. Mickell, was not incarcerated in (LCP), for DUI, or (REAP).

2. Exhibit 12, Is (LCP) record, revealing that on Sept. 14, of 2015. That Mr. Mickell, was incarcerated in (LCP), for two counts of public drunkenness, while waiting on a summon, to appear in court, for his DUI, that occurred on 6/4/15.

3. Exhibit 12, Is (LCP) record, revealing that on Nov. 19, of 2015. That Mr. Mickell, was sentenced to time served to six months, for his DUI that occurred on 6/4/15, by Magistrate Sean P.

McGraw. ~~See~~ And that Mr. Mickell was released from (LCP), on 11/19/15. By Magistrate Sean P.

McGraw" Sentencing order, that" on the Commonwealth, and LCP records. (Witnesses) (1) Magistrate McGraw. (2) Dist. Atty. Shane Scanlon. (3) Public

Defender. Daniel B. Lipson. (4)(/ CP) Warden. Timothy Betti. (5)(/ CP) Assit. Warden. David Langan. And (6)(/ CP) Counselor. Lori Davis. Which is defendants in Mr. Mickell Civil action.

4. On or about 2/18/16. Mr. Mickell's Six months sentenced, by Magistrate McGraw on 11/19/15, for Mr. Mickell's DUI that occurred on 6/4/15, expired. Exhibit ~~Records~~ Magistrate McGraw Sentencing Sheet/ Sentencing order, that on the Commonwealth's record, under docket Number 15CR2414. Which is the docket Number given by Magistrate Sean P. McGraw, ~~on~~ on 11/19/15, to Mr. Mickell's DUI, that occurred on 6/4/15.

5. ON Feb. 18, of 2016. Mr. Mickell, Filed a Civil action on (LWC) Lackawanna County Superior, for Constitutional rights violation. Exhibit. Middle Dist. Court record. And For False imprisonment, for two counts of public drunkenness, on Sept. 14, of 2015. Exhibit. Review Exhibit 12.

6. Exhibit 12. Reveals. That on 3/9/16. Under docket Number 15CR2414, For Mr. Mickell's DUI that occurred on 6/4/15. That Judge Geroulo, issued a bench warrant for Mr. Mickell's Failure to appear in court on 2/18/16, to be sentenced a second time

For his DUI, that occurred on 6/4/15.

7. Exhibit 12. Reveals, that on 3/11/16, under docket number 15CR-2414, For Mr. Mickell's DUI, that occurred on 6/4/15. That Mr. Mickell was released from Lackawanna County Prison (LCP), on 3/11/16. Based on Mr. Mickell, pleading guilty, a second time to his DUI, that occurred on 6/4/15. And pleading guilty, to Recklessly Endangering another person (REAP), that didn't occur on 6/4/15. Or thereafter.

8. Exhibit 12. Reveals, as evidence. That on 7/18/16, under docket number 15CR-2414, For Mr. Mickell's DUI, that occurred on 6/4/15. That Judge Geroulo, released Mr. Mickell from (LCP). Pursuant to the Bench Warrant that he issued for on 7/18/16, For Mr. Mickell's Failure to appear in court on 6/8/16, to be sentenced a second time For Mr. Mickell's DUI, that occurred on 6/4/15. And to sentenced Mr. Mickell for (REAP), a offense that the record and Exhibits Attached, reveals, that Mr. Mickell, was not charged with on 6/4/15. Or thereafter.

9. Exhibit 12. Reveals, under docket number 15CR-2414. That Judge Geroulo, illegally, sentenced

Mr. Mickell, on 8/11/16, For the DOJ, that occurred on 6/4/15, and For Recklessly Endangering another person (REAP), which didn't occur on 6/4/15, or thereafter, to 9 months probation. And released Mr. Mickell, From Lackawanna County Prison, on 8/30/16, to a home plan.

10. Exhibit 12 reveals, that on Sept. 19, OF 2016. That Judge Gerardo "illegal" 9 months probation, for the two named offenders, that Mr. Mickell violated, and was incarcerated in Lackawanna County prison (LCP). And that Mr. Mickell was released on 6/8/17, From (LCP). And

11. Exhibit 12 reveals, that on ~~8th~~ June 8, of 2017. Mr. Mickell, was released From (LCP), ~~9~~ <sup>9</sup> months and ~~4~~ days passed Judge Gerardo "illegal" 9 months probation sentenced, that ended 2/2/17. Based on the defendant, Kathy Kacier "Falsified document, For Fines/Cost, totaling, \$8,000.

### Conclusion

All corroborating evidence of record, corroborates that the defendants violated Mr. Mickell's named rights in his civil action, and supports Mr. Mickell's cause of action, and claims in his civil action.

Dated: 3/6/18

Respectfully, Submitted

- 4 - Mr. Johnnie Mickell

8/3/18